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AUG 21 2006

Remarks

Claims 10, 12 and 18 are cancelled, claims 19 and 20 are added and claims 11, 13, 14, 16 and 17 are amended. Claims 11, 13 to 17, 19 and 20 are pending in this application of which only claims 19 and 20 are in independent form.

On page 2, paragraph 1, of the action, it is noted that the information disclosure statement filed on July 15, 2005 did not include a copy of DE 196 54 769. Accordingly, applicant has filed a supplemental information disclosure statement wherein a replacement copy of this publication is submitted.

On page 2, paragraph 2, of the action, the specification was objected to for failing to provide the antecedent basis for the claimed subject matter. In particular, the term "the interface" was objected to.

Claims 10 and 18 are cancelled herein and are replaced by claims 19 and 20, respectively, wherein the "interface" is no longer included. The new independent claim 19 includes the speed control function and the speed limiting function shown in FIG. 2 of the applicant's drawings. Claim 19 also includes the feature that the input quantities are generated by these two functions and supplied to a mixer as also shown in FIG. 2. Also, base values are generated and also supplied to the mixer and the input quantities are limited in dependence upon these base values as noted on page 7, lines 11 to 13, of the applicant's disclosure. The output quantities outputted by the mixers are transmitted to a distributor wherein a selection is made to form at least one propulsion desired value as noted on page 7, lines 23 to 28, of

the applicant's disclosure. At least one propulsion desired value is outputted to a corresponding control function for the motor, braking system and/or transmission of the vehicle as also now set forth in claim 19.

Claim 20 is added and parallels claim 19 in an apparatus context.

Also, on page 2, paragraph 2, of the action, the view was expressed that the specification does not disclose the differences between the two input quantities which are described in claim 11 as acceleration quantities. The two input quantities are acceleration quantities, that is, values which indicate the intensity with which the vehicle is to be accelerated. The difference between the two input quantities is that they originate in different units which influence vehicle speed. The two input quantities originate from a speed control unit and a speed limiting unit. The speed control unit can, for example, be a road speed controller (cruise control) or an adaptive cruise control as well as an accelerator pedal of the vehicle. For speed limiting functions, units are provided which limit the road speed of the vehicle under certain conditions. According to the invention, a road speed limiting device (especially for trucks) or a curve speed limiter are provided. The general differences are set forth on page 2, lines 6 to 21, of the applicant's disclosure. The special speed control functions and speed limiting functions are set forth on page 2, lines 18 to 21, and page 3, lines 21 to 30, of the applicant's disclosure.

In view of the foregoing, applicant submits that the specification should now be in compliance with 37 CFR 1.75(d) (1)

and MPEP §608.01(o).

Claims 10 to 18 were rejected under 35 USC 101 because claims 10 to 18 did not disclose how the driving speed of the vehicle is controlled. In view of this objection, the applicant will now explain how the driving speed of the vehicle is controlled.

Each of the speed control functions explained in the applicant's disclosure as well as the speed limiting functions generate a signal as an output quantity which defines an acceleration command or a torque command to the motor. The motor control could convert this quantity into a motor actuating signal whereupon the motor would change its operating point. However, it becomes problematic when several of such control functions output command signals to the motor control simultaneously. In this case, it is necessary that, with an intelligent processing of these command signals, only the command is outputted to the motor control, transmission control and braking control which is instantaneously the correct one and should be controlled in accordance with the actions of the driver. The generation of the acceleration command signals in the speed control function as well as the speed limiting function is known to persons of ordinary skill from the state of the art. The generation of this acceleration command signal is therefore not part of the subject matter of the applicant's invention.

The subject matter of the applicant's invention is rather to output that signal to the motor control from a plurality of available acceleration command signals which is the correct one at the particular instant of time. For this purpose, the output

quantities of the speed limiting function are supplied to a mixer wherein the input quantities are limited in dependence upon pregiven base values. The output quantities of the speed control function are likewise supplied to a mixer wherein the pregiven quantities are likewise limited in dependence upon pregiven base values. Respective output signals are outputted from the two mixers which are supplied to a distributor wherein a selection is made between the instantaneous purposeful speed limit value and the speed control desired value. This procedure is described starting at page 5, line 9, and continuing to page 7, line 28, of the applicant's disclosure as well as in FIGS. 2 to 6.

In view of added claims 19 and 20 and the foregoing, claims 11, 13 to 17, 19 and 20 should now be in compliance with 35 USC 101. Added claims 19 and 20 now teach a practical and useful application of the inputs and base quantities.

Claims 16 and 17 were rejected under 35 USC 112, second paragraph, as being indefinite for the reasons set forth in paragraphs (a) and (b) on page 4 of the action.

Claims 16 and 17 are amended herein and should now be definite as required by the statute.

Claims 10 to 18 were rejected under 35 USC 103(a) as being unpatentable over Bellinger et al. Claims 10 and 18 are cancelled and are replaced by claims 19 and 20, respectively. The following will show that claims 19 and 20 patentably distinguish the applicant's invention over this reference.

Bellinger et al discloses a system for controlling the firing of a vehicle engine. For this purpose, an acceleration signal for a vehicle is generated and the fuel metering is

reduced when an acceleration limiting function is exceeded in order to avoid a further acceleration. For this purpose, the control system determines an acceleration limiting curve which provides a maximum permissible acceleration in dependence upon the instantaneous vehicle speed, instantaneous transmission ratio and the loading state. Depending upon the instantaneous transmission ratio and instantaneous speed, an acceleration higher than that of the limiting function is prevented when reaching the acceleration limiting curve.

Bellinger et al, however, does not show that the two functions for influencing the vehicle speed originate from the speed control function or the speed limiting function. Furthermore, Bellinger et al does not suggest providing mixers for corresponding ones of the control function and limiting function wherein the input quantities are limited in dependence upon pre-given base values. Thus, no suggestion is made from which our person of ordinary skill could arrive at the feature and limitation of claim 19 which provides:

"supplying said first and second input quantities and said first and second base values to first and second mixers, respectively, wherein said first input quantity is limited in dependence upon said first base value to form a first output quantity and said second input quantity is limited in dependence upon said second base value to form a second output quantity;"

Bellinger et al also does not show that the output quantities of the mixers are outputted to a distributor wherein a selection is made of quantities supplied thereto and one or more propulsion desired values are formed. More specifically, there

is no suggestion in Bellinger et al which could suggest to our person of ordinary skill as to how the method step of:

"applying said first and second output quantities to a distributor and making a selection therein from said output quantities to form at least one propulsion desired value;"

could be arrived at.

In view of the above, applicant submits that independent claim 19 should now patentably distinguish his invention over Bellinger et al and be allowable. Claims 11 and 13 to 17 are all dependent from claim 19 so that these claims should also be allowable. Claim 20 corresponds to claim 19 in an apparatus context so that this claim too should be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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Date: August 21, 2006